

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON EDUCATION**

**Call to Order:** By **CHAIRMAN JOAN ANDERSEN**, on March 28, 2003 at 3:00 P.M., in Room 137 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Joan Andersen, Chairman (R)  
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)  
Rep. Larry Lehman, Vice Chairman (R)  
Rep. Norman Ballantyne (D)  
Rep. Norma Bixby (D)  
Rep. Gary Branae (D)  
Rep. Carol Gibson (D)  
Rep. Verdell Jackson (R)  
Rep. Bob Lake (R)  
Rep. Bob Lawson (R)  
Rep. Joe McKenney (R)  
Rep. Clarice Schrumpf (R)  
Rep. Pat Wagman (R)

**Members Excused:** None.

**Members Absent:** Rep. Nancy Fritz (D)

**Staff Present:** Eddy McClure, Legislative Branch  
Mari Prewett, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed. The time stamp in these minutes appears at the end of the content it refers to.

**Committee Business Summary:**

Hearing & Date Posted:

Executive Action: SJ 20, SB 259, SB 411

**EXECUTIVE ACTION ON SJ 20**

**Motion:** REP. GALVIN-HALCRO moved that SJ 20 BE CONCURRED IN.

**Motion:** REP. JACKSON moved that SJ 20 BE AMENDED.

**EXHIBIT** (edh66a01)

**Discussion:**

REP. JACKSON explained his amendments to the Committee, attached as Exhibit 1.

REP. BALLANTYNE expressed his concerns that they were moving into territory they should stay away from.

REP. LEHMAN stated he concurred with REP. BALLANTYNE. He went on to say that he felt they were getting into the area of separation of church and state.

REP. BRANAE asked Jeff Weldon his opinion on including the amendment in the resolution. Mr. Weldon stated that language such as that in the amendment would cause some groups to challenge the constitutionality of the resolution.

REP. WAGMAN spoke on what he believed the intent of the language was. He went on to say that he did not believe the intent of the language was to bring in religion.

**Motion/Vote:** REP. GALVIN-HALCRO moved TO SEGREGATE AMENDMENT NUMBER 1 FROM AMENDMENT NUMBER 2 AND VOTE ON AMENDMENT 2 FIRST. Motion carried 13-1 with REP. JACKSON voting no and REP. FRITZ voting aye by proxy.

**Motion/Vote:** REP. GALVIN-HALCRO moved AMENDMENT NUMBER 2. Motion carried 14-0 by roll call vote.

REP. JACKSON speaks to amendment number 1. He explained that there were still some faith-based issues allowed in the schools.

REP. BALLANTYNE stated that he realized that principles were still taught in the schools. He went on to say that passing Amendment 1 could get them into an area they did not want to be in from the Committee's standpoint. He continued that the term "faith-based" was entirely too broad.

**Motion/Vote:** REP. LEHMAN moved REP. JACKSON'S AMENDMENT NUMBER 1. Motion failed 3-11 by roll call vote with REPS. JACKSON, WAGMAN and SCHRUMPF voting aye and REP. FRITZ voting no by proxy.

**Motion:** REP. WAGMAN moved that SJ 20 BE CONCURRED IN AS AMENDED.

**Discussion:**

REP. WAGMAN stated that passage of SJ 20 would create the need for the definition of a family to be established which could open up some very volatile issues.

REP. LEHMAN expressed his concern for the extensive descriptions in SJ 20. He went on to say that there were several issues mentioned in the bill that did not belong in the schools.

**Motion/Vote:** REP. LAKE moved that SJ 20 BE TABLED. Motion carried 12-2 by roll call vote with REPS. LAWSON and GALVIN-HALCRO voting no and REP. FRITZ voting aye by proxy.

*{Tape: 1; Side: A; Approx. Time Counter: 0 - 25.8}*

**EXECUTIVE ACTION ON SB 411**

**Motion:** REP. GALVIN-HALCRO moved that SB 411 BE CONCURRED IN.

**Motion:** REP. JACKSON moved that SB 411 BE AMENDED.

**EXHIBIT** (edh66a02)

**Discussion:**

REP. JACKSON stated that his amendments did two things. First it redefined the definition, and secondly it eliminated the study at the end. He went on to say that the same study was in the Governor's Commission on Education. REP. JACKSON goes through the amendments line by line and explains how they change the bill. The amendment is attached as Exhibit 2.

REP. LEHMAN asked REP. JACKSON to describe joy in learning. REP. JACKSON replied that he had taken the meaning out of the book that had been given to the Committee for their information.

REP. LEHMAN asked REP. JACKSON if his reference to 55 was the number of hearings conducted rather than the year. REP. JACKSON responded that the report was done in 1975. He continued that

they had involved 1,500 people in the process and had worked with the Northwest Regional Lab in Portland, Oregon.

**REP. JACKSON** asked Steve Meloy if he had seen the report. **Mr. Meloy** indicated that he had not.

**Motion/Vote:** **REP. GALVIN-HALCRO** moved TO SEGREGATE AMENDMENT NUMBER 1 AND 3 FROM AMENDMENT NUMBER 2. Motion carried 14-0 by voice vote with **REP. FRITZ** voting aye by proxy.

**Motion/Vote:** **REP. GALVIN-HALCRO** moved that AMENDMENT NUMBERS 1 AND 3 BE CONCURRED IN. Motion carried 14-0 by voice vote with **REP. FRITZ** voting aye by proxy.

**Motion:** **REP. JACKSON** moved AMENDMENT NUMBER 2 TO SB 411.

**Discussion:**

**REP. GALVIN-HALCRO** asked **REP. JACKSON** if the terms, "joy of learning, critically and creativity, and personal responsibility," were defined in statute or if they were going to be inserted somewhere. **REP. JACKSON** stated that they were defined in detail in the document he had referred to.

**REP. GALVIN-HALCRO** asked **REP. JACKSON** how anyone referring to statute would know to look at the document for the definitions. **REP. JACKSON** responded that they could put the definitions into statute.

**REP. WAGMAN** stated that in doing research he had found that there had been litigation over the fact that there was no definition in statute, therefore, adding the definition to statute was something he felt they should consider.

**CHAIRMAN ANDERSEN** asked **REP. WAGMAN** if he was suggesting they put a definition inside of a definition. **REP. WAGMAN** referred to Line 5, Page 3 and read, "Quality public elementary and secondary schools", as used in Article X, Section 1(3), of the Montana Constitution..." **REP. WAGMAN** then deferred to Eddye McClure to see if he was understanding what the amendment was doing. **Ms. McClure** stated that Line 5 on Page 3 of the bill would be the definition.

**REP. BRANAE** commented on his concerns regarding trying to define quality public education. He went on to say that he did not feel that it would be wise to base definitions on documents that had been published thirty years earlier. He remarked that he could

see the value of having a definition, however, he did not feel that this was the way to do it.

**REP. WAGMAN** responded that if the Legislature did not define quality public education the courts would.

**REP. LAWSON** called for the question on the amendment.

**REP. GIBSON** stated that they already had a set of definitions in the proposal and she felt that they said almost the same thing as the amendment definitions.

**CHAIRMAN ANDERSEN** stated that they had already amended the bill and if it passed out of the House and the Senate did not like the amendments the bill would go to a conference committee. She continued by explaining how a conference committee worked. **REP. ANDERSEN** asked the Committee to keep these things in mind when they voted on the amendments.

**REP. JACKSON** closed on his amendment stating that the unique thing about the amendment was the process. He continued stating it was a grassroots efforts to keep control at the local level. He stated that the local school boards were defining quality education as a process which would maximize the potential of each kid. He went on to say that the local school boards wanted control and freedom to change goals, objectives and curriculum.

**REP. JACKSON** concluded that he felt it was a good way to go to define it as a process.

**Vote: Motion that AMENDMENT NUMBER 2 TO HB 411 BE CONCURRED IN failed 6-8 by roll call vote with REPS. JACKSON, MCKENNEY, LAKE, WAGMAN, SCHRUMPF and ANDERSEN voting aye and with REPS. FRITZ and BALLANTYNE voting no by proxy.**

The Committee returned to the body of the bill as amended.

**REP. GIBSON** commented that she felt the bill was a totally unnecessary document because it was already in effect.

**REP. WAGMAN** spoke to the bill.

***{Tape: 1; Side: B; Approx. Time Counter: 0 - 25.5}***

**REP. WAGMAN** stated that SEN. GLASER was trying to define quality education and the State's share of funding. He went on to say that these were two issues that the Legislature had not dealt with. He continued by saying that he could not support the bill the way it was written.

**Substitute Motion/Vote:** REP. LAKE made a substitute motion that HB 411 BE TABLED. Substitute motion carried 8-6 by roll call vote with REPS. JACKSON, MCKENNEY, LAKE, WAGMAN, SCHRUMPF and ANDERSEN voting no with REP. FRITZ voting aye by proxy.

*{Tape: 2; Side: A; Approx. Time Counter: 0 - 3.5}*

**EXECUTIVE ACTION ON SB 259**

**Motion:** REP. LEHMAN moved that HB 259 BE CONCURRED IN.

**Discussion:**

**CHAIRMAN ANDERSEN** explained that members of the Committee had worked hard to try to amend the bill in such a way as to provide a system of health insurance for public school employees that would work. She went on to say the attempt to amend the bill had run up against the appropriations deadline, therefore, the bill could not be ready in time to be heard on the floor as there were fiscal issues that needed to be addressed. **CHAIRMAN ANDERSEN** informed the Committee that HB 302 had been blasted out of the Senate so there was a bill in the works that could provide healthcare benefits for school employees.

**Motion/Vote:** REP. LEHMAN moved that SB 259 BE TABLED. Motion carried 13-1 with REP. SCHRUMPF voting no AND REP. FRITZ voting aye by proxy.

REP. WAGMAN made a point of personal privilege.

*{Tape: 2; Side: A; Approx. Time Counter: 3.5 - 7.5}*

**ADJOURNMENT**

Adjournment: 4:17 P.M.

---

REP. JOAN ANDERSEN, Chairman

---

MARI PREWETT, Secretary

JA/MP

**EXHIBIT** (edh66aad)